

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13469 of Irene Rosenthal and Ten/L Joint Venture, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot in an SP-2 District at the premises 1109-23 10th Street, N.W., (Square 369, Lots 817-819, 22, 50, 845, 53, 851, 852 847, 815, 856, and 54-58).

HEARING DATE: April 22, 1981

DECISION DATE: May 6, 1981

FINDINGS OF FACT:

1. At the time of public hearing, the applicant requested an amendment to the application to request a variance from Sub-paragraph 4101.413 to permit all-day commuter parking.

2. The subject property is located on the northeast corner of the intersection of 10th and L Streets, N.W., in an SP-2 zone District at premises known as 1109-23 10th Street, N.W. The property has approximately ninety-five feet of frontage on L Street and approximately 230 feet of frontage on 10th Street.

3. The property is currently operated as a parking facility pursuant to this Board's Order No. 12035, dated January 5, 1976.

4. The applicant testified that efforts are being made to sell the property for future development. Until such time, the applicant is requesting a continuance of the parking facility as it currently exists.

5. The applicant testified that the present owners do not have the capability themselves to proceed with the development of the lot. The lot would just be idle and vacant, if the parking lot could not continue to operate, until a buyer and developer could be found.

6. The operator of the lot testified that the immediate neighborhood does not serve to generate demand for short-term parking. The majority of uses surrounding the site are apartments and other residences.

7. There is ample on-street parking to serve the needs of the small number of neighborhood type facilities farther along 10th Street. The lot is open to the area residents without charge, during the evening hours and on weekends.

8. The lot operates as an attendant lot Monday through Friday, from 8:00 a.m. to 6:00 p.m., and accommodates approximately one hundred and twenty-five vehicles.

9. The operator of the lot testified that even with minimal charge, and use of the lot for all-day parking there is still a twenty-five percent vacancy rate on the lot.

10. There is no record of complaints about the operation of the lot, or of any dangerous or objectionable traffic conditions resulting from the lot.

11. The application was, referred to the Office of Planning and Development on February 20, 1981. No report from the OPD was received in the record of this case.

12. There was no report from Advisory Neighborhood Commission 2C on this application.

13. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception, the Board concludes that the applicant has substantially complied with the requirements of paragraph 4101.41 of the Zoning Regulations and that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to effect adversely the use of neighboring property. As to the variance to permit all-day commuter parking, the Board concludes that such is a use variance, which requires a showing of a hardship upon the owner of the property that arises from the property itself. The Board notes that approximately seventy-five per cent of the subject parking lot is used for commuter parking and that the other uses in the near vicinity of the subject parking lot do not generate sufficient short-term parking needs to allow the lot to be operated without all-day parking. The Board concludes that since part of the subject property is leased for commuter parking and that the physical location of the parking lot precludes its use by short term parkers, the hardship is inherent on the property.

The Board further concludes that with a final ONE year limitation conditioning the grant herein, the use variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that special exception and variance are GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of ONE YEAR from the date of expiration of the previous certificate of occupancy namely until January 5, 1982.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures or otherwise permitted in the zoning district in which the parking lot is located.
- g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (John G. Parsons, Douglas J. Patton and Connie Fortune to grant; William F. McIntosh to grant by proxy; Charles R. Norris not voting, not having heard the case)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher by [Signature]
STEVEN E. SHER
Executive Director

3 AUG 1981

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.